

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6-7, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lang (US 5,809,999), of record.

Lang shows an aircraft oxygen system with a source of oxygen 6, and control unit 16 receiving cabin pressure data PS and controlled oxygen pressure data S3, and controlling the oxygen flow with valves 9 or 10. The pressure measured in unit 14 is read as an absolute pressure. Masks 13 are for crew. Lang supplies oxygen to passengers when a sudden drop in cabin pressure occurs, see column 6, lines 12+.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Babin, of record.

Lang shows the claimed device except for a bypass line having a solenoid valve. Babin teaches the use of a bypass line 22 with a safety solenoid valve 52 bypassing regulator 38 in the event of a power loss. It would have been obvious at the time the invention was made for one of ordinary skill in the art to have provided the regulator valve 9 or 10 of Lang with such a bypass line and solenoid valve to similarly bypass the valve in the event of a power loss.

Claim 6 is, in the alternative, rejected under 35 U.S.C. 103(a) as being unpatentable over Lang.

Measuring absolute cabin pressure in the system of Lang is considered an obvious matter of engineering in view of the well known nature of the equivalence of absolute and gauge pressures.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Gupta et al (US 4,651,728), of record.

Lang shows the claimed device except for a cylinder of oxygen. Gupta et al show a similar system with oxygen bottles or cylinders 24, 26. It would have been obvious at the time the invention was made for one of ordinary skill in the art to have used bottled oxygen as a source instead of an oxygen generator to reduce costs of the system, for example, and under the rationale set forth in KSR v. Teleflex, U.S.\_\_\_\_, 127 S. Ct. 1727, 82 U.S.P.Q. 2d 1835 (2007) that the simple substitution of one known element for another to obtain predictable results is an indication of obviousness. In this case the predictable result is an emergency system with a source of oxygen.

Applicant's arguments with respect to claims 6-11 have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN FOX whose telephone number is (571)272-4912. The examiner can normally be reached on Monday-Saturday from 10am-6pm (Hoteling Program).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hepperle can be reached on 571-272-4913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Fox/

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Primary Examiner  
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